REMARKS

The present Amendment is responsive to the Official Action of March 9, 2007. In the Official Action, all 35 claims were rejected under 35 U.S.C. § 102(b) as being anticipated by the international publication WO 02/057959 A2 to Rothmuller *et al.* ("*Rothmuller*"). Claim 1 was also rejected under 35 U.S.C. § 112 as being non-enabled. In addition, several claims were subject to a provisional double patenting rejection, and several claims and the specification were objected to for various informalities.

By this Amendment, all of the claims have been amended. Reconsideration of the claims in view of the preceding amendments and the following remarks is respectfully requested.

I. Rejections under § 102(b)

In the Official Action, Claims 1-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Published Patent Application No. WO 02/057959 to Rothmuller *et al.* ("*Rothmuller*").

Amended independent Claim 1 of the present application reads as follows:

> 1. A product for providing access to media files on a digital device, the product comprising:
>
> a computer-readable storage medium; and
>
> computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising:
>
> first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and
>
> second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline.

Amended independent Claim 35 is directed to a digital device having, *inter alia*, "a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions including . . . second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline . . ." similar to that recited in Claim 1.

Rothmuller discloses methods and apparatuses for storing, cataloguing, managing, organizing, finding and displaying objects such as digital images that are saved in a database. *See Rothmuller*, p. 1, lines 25-30. The distribution of the objects stored in the database can be displayed as a histogram along a timeline. Time bands can be set along the timeline to indicate a time period that can be used to search for matching objects in the database, or to limit the search results for a given tag search to objects having temporal metadata within the indicated time period. When the timeline is used to limit the search results for a tag search, the timeline displays not only the temporal distribution of all objects in the database over the indicated time period, but also the temporal distribution of all objects in the database matching the specified tag search criteria over the indicated time period. Images associated with a search may be displayed in a corresponding image area (100 in Fig. 1). In addition to timelines, the temporal distribution of objects in the database can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month. The calendar view can also be used to limit the search results for a tag search, in which case the calendar view will indicate all of the days of the month associated with objects that match all of the tagged search criteria, match some of the tagged search criteria, and match none of the tagged search criteria. *See Rothmuller*, p. 3, lines 1-16.

The Official Action states that *Rothmuller* discloses, at p. 5, lines 18-25, generating a timeline view wherein access is provided to at least one digital media file according to events in the timeline. *See* p. 7 of the Official Action. However, the cited portion of *Rothmuller* refers generally to categories of "event tags" that might be associated with an image. At one point, this

passage references "pre-defined" and "customized calendar events," but these references are not related to actual entries in a timeline or calendar, but instead simply serve to characterize the types of events for which corresponding tags might exist. That is, *Rothmuller* does not suggest that these "events" actually exist in a timeline or timeline view in any form (they do not). As such, *Rothmuller* does not teach or suggest, in the cited portion or elsewhere, a timeline view that provides access to at least one digital media file according to periods of time defined in the timeline and according to events in the timeline, as required by amended Claims 1 and 35. However, in order to make this distinction as clear as possible, Claims 1 and 35 have been amended herein to affirmatively recite that the events are "represented in the timeline."

Amended independent Claim 26 reads as follows:

> 26.   A method for digital media management in a digital device, the method comprising:
>   receiving, at the digital device, a digital media file having metadata associated with the digital media file;
>   transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata;
>   providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time; and
>   providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view.

The Official Action states that *Rothmuller* discloses, at p. 3, lines 1-9, "providing the user the ability to locate digital media filed within [a] media view by scrolling a timeline that is displayed in conjunction with the media view." *See* p. 13 of the Official Action. However, the cited portion of *Rothmuller* discloses a timeline that includes "time bands" that can be moved along the timeline to limit the temporal range of consideration when searching for objects in a database. Nowhere does *Rothmuller* teach or suggest a timeline that can be scrolled in order to locate media files, as recited by Claim 26.

Amended independent Claim 29 reads as follows:

>   29.   A method for defining media file representation in a
> media view of a media diary application, the method comprising:
>   receiving a media file having associated metadata
> information;
>   determining a manner in which the media file will
> be represented in a media view of the media diary; and
>   individually presenting the media file as a media
> file representation in a date column of the media view in
> accordance with the determination of the manner of representation.

Rothmuller nowhere discloses, at least, "individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation," as recited in Claim 29. Rather, *Rothmuller* discloses displaying a distribution of objects stored in a database (and not the objects or representations thereof individually) as a histogram along a timeline or in a calendar view, and also discloses displaying images associated with a search in an image area, the image area being associated with the search and not with a date.

For at least the above reasons, Applicants respectfully submit that independent Claims 1, 26, 29, and 35, as well as the claims respectively depending therefrom, are patentable over *Rothmuller*.

II. Rejection under § 112, first paragraph

Claim 1 was also rejected under 35 U.S.C. § 112, first paragraph for lacking enablement. Again, amended independent Claim 1 reads as follows:

>   1.   A product for providing access to media files on a
> digital device, the product comprising:
>   a computer readable storage medium; and
>   computer-readable program instructions embodied
> in the medium, the computer–readable program instructions
> comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and

second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events in the timeline.

The Official Action indicated that the specification is enabling for an application for providing access to a media file, but not for a computer readable medium for providing such access. *See* p. 5 of the Official Action. Amended Claim 1 is directed to a product for providing access to media files on a digital device, the product including computer-readable program instructions embodied in a storage medium. This language is supported by the specification of the present application. *See, e.g.,* ¶¶ 0010, 0026, and 0053, as well as Fig. 3. In fact, in describing one embodiment, the specification indicates that the "application [for representing media files on a digital device display] comprises a computer readable storage medium having computer-readable program instructions embodied in the medium." *Id.* As such, Applicants respectfully submit that amended Claim 1 appears to be enabled at least to the extent that an application for providing access to media files would be enabled.

The Official Action also stated that Claim 1 (prior to amendment) consisted of a single structural limitation that is to be interpreted as a single means/single step claim. *See* p. 5 of the Official Action. Without addressing the merit of this rejection, Claim 1 has been amended to include multiple elements, *i.e.,* "a computer readable storage medium" and "computer-readable program instructions."

For at least the above reasons, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. § 112, first paragraph, has been traversed.

III. Provisional double patenting rejections

Various claims were subject to provisional non-statutory type double patenting rejections in light of distinct patent applications. Applicants respectfully request that these rejections be held in abeyance until such time as one of the cited applications issues as a patent.

IV. Claim and specification objections

Claims 4 and 17, and also the specification, were objected to for various informalities. These issues have been corrected by the amendments herein.

<u>CONCLUSION</u>

In view of the amended claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Richard D. Emery/

Richard D. Emery
Registration No. 58,894

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
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